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TAGS: [PREL](#) [PARM](#) [KNNP](#) [PINS](#) [UNSC](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: EU ADOPTS NEW NONPROLIFERATION STRATEGY

REF: A. BRUSSELS 14

- [1](#)B. 03 USNATO 124
- [1](#)C. 03 BRUSSELS 5520
- [1](#)D. REIDHEAD-MURRAY ET. AL. E-MAIL 12/05/03
- [1](#)E. 03 BRUSSELS 4518
- [1](#)F. 03 BRUSSELS 4424
- [1](#)G. 03 BRUSSELS 4143
- [1](#)H. 03 BRUSSELS 3263

Classified By: USEU Poloff Van Reidhead for reasons 1.5 (b) and (d)

Summary and Comment

[1](#)1. (U) SUMMARY: EU heads of state and government adopted an "EU Strategy Against Proliferation of WMD" at their December 12-13 Summit in Brussels. The strategy expands and integrates the various pieces of the EU's existing nonproliferation policies -- notably the nonproliferation Principles and Action Plan adopted at the June 2003 Thessaloniki EU Summit (ref H). The strategy calls for the integration and strengthening of EU instruments, including export controls, CTR programs, external leverage over third countries (including aid and trade), interdiction, and "coercive measures" as a last resort. END SUMMARY.

[1](#)2. (C) COMMENT: But the EU is not yet able to answer the tough question of when and under what conditions it would resort to the use of force. EU member states do not want to limit their options, nor are they ready to stray too far from the comforting legitimacy of the UNSC. That said, the EU nonproliferation strategy represents an energetic commitment from a major global partner to cooperate on countering the development and spread of WMD. We should welcome the overall commitment, work together where we find common ground, and engage on points of disagreement. END COMMENT.

(Note: EU documents mentioned in this cable are available at <http://ue.eu.int/en/summ.htm>)

Effective Multilateralism:
Keeping the Baby, Tossing the Bathwater

[1](#)3. (C) The cornerstone of the EU's nonproliferation strategy is "effective multilateralism," a concept discussed at length in the European Security Strategy (refs A, F, G). Developed partly in response to perceptions of increasing U.S. unilateralism, the EU's concept of effective multilateralism envisions shoring up the existing nonproliferation regime and strengthening the role of the UNSC in nonproliferation. While Europeans largely share our view of the threat posed by WMD (Eurobarometer polling in 2002 found that over 70% of EU citizens fear WMD proliferation.), and agree that the existing regime is unacceptably flawed, they fear the U.S. intends to dismantle it altogether, effectively throwing the baby out with the bathwater. To hedge against that outcome, the EU has become increasingly keen on reforming international institutions and security regimes to make them more effective.

[1](#)4. (U) To make the multilateral treaty regime work, the nonproliferation strategy commits the EU to strengthening compliance, enforcement, and detectability of violations, and to work toward criminalizing state violations, presumably under the UNSC. The strategy calls on the EU to strengthen verification mechanisms, and to create new ones where needed, and says "the EU is prepared to enhance, as appropriate, its political, financial and technical support for agencies in charge of verification."

[1](#)5. (SBU) Parallel with these efforts, the EU will "pursue the implementation and universalization of the... NPT, the IAEA Safeguard agreements and protocols additional to them, the CWC, the BTWC, the HCOC, and the early entry into force of the CTBT." Reflecting the importance the EU places on multilateralism -- and on presenting a united EU front in international fora -- EU FMs adopted a Common Position on universalizing and reinforcing multilateral nonproliferation

agreements at the November 17 Council meeting, one month before adopting the strategy that would formally call for it (ref D). The Common Position outlines in general terms how the EU intends, largely through diplomatic action, to go about strengthening and universalizing the above agreements. It is designed to "serve as a yardstick in the negotiations of EU positions in international fora," and as such, represents the positions we should expect from the EU in all relevant international organizations and in U.S.-EU consultations.

Regional Stability: They Just Need More Help

16. (C) The EU strategy describes regional insecurity as the underlying cause of WMD proliferation, and says "the EU will foster regional security arrangements and regional arms control and disarmament processes" to address the problem. (Note: The EU is generally supportive of the concept of regional Nuclear Weapons-Free Zones (NFZs), especially in the Middle East and Mediterranean Basin.) While also acknowledging "there can never be any justification for proliferation," the strategy overall paints a picture of proliferation as an understandable, if regrettable, result of "real and legitimate security concerns." The strategy makes reference to the utility of both positive and negative security assurances, but leaves little doubt that the EU is more comfortable with the former than the latter.

Conditioning EU Relations on Nonproliferation Commitments

17. (C) Notwithstanding the EU preference for carrots over sticks, the EU has recently toughened in a positive way by endorsing the principle of conditionality in external relations (ref D). On November 17, EU FMs adopted a policy requiring inclusion of a "nonproliferation clause" in all EU agreements with third countries. The clause will be considered an "essential" element of agreements, meaning that it conditions the political and economic-commercial benefits under the agreement as a whole on satisfactory adherence to international nonproliferation norms. Failure by any party to uphold its obligations under the clause could result in punitive action, including as a last resort suspension or termination of the agreement as a whole. (It is not yet clear whether or how this conditionality principle will be applied to countries like Israel, Pakistan or India.) Syria, whose association agreement with the EU was concluded in December, is the first country to sign the clause (ref C).

18. (SBU) The conditionality policy is intended to apply both to future and existing "mixed agreements" (i.e. involving a combination of member state and Community competencies) with third countries. In the case of existing agreements, amendments will be sought to include a nonproliferation clause. Most meaningful EU agreements with third countries, including all framework agreements such as Trade and Cooperation Agreements (TCA) and Partnership and Cooperation Agreements (PCA), fall into the mixed category. Commission-only agreements are omitted from the new policy because EU treaties bar the Commission from including political clauses in Community-only agreements with third countries (i.e. for development assistance). EU FMs therefore asked the Commission to look for ways -- read, legal loopholes -- to also link Community assistance programs to nonproliferation.

19. (SBU) The EU's nonproliferation clause for inclusion in third country agreements reads:

"Countering Proliferation of Weapons of Mass Destruction

The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties therefore agree to co-operate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations. The Parties agree that this provision constitutes an essential element of this agreement.

The parties furthermore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery by:

- taking steps to ratify, or accede to, as appropriate, and fully implement all other relevant international instruments;
- the establishment of an effective system of national export controls, controlling the export as well as transit of WMD related goods, including a WMD end-use control on dual

use technologies and containing effective sanctions for breaches of export controls.

The Parties agree to establish a regular political dialogue that will accompany and consolidate these elements."

Working with Partners

110. (C) The new strategy highlights the EU's nonproliferation partnerships with the U.S., Russia, Japan, Canada and NATO. With regard to the latter, the document says, "The EU will ensure, in particular, exchange of information and analysis with NATO, within the agreed framework arrangements." Recent interest in enhanced EU-NATO cooperation on proliferation and terrorism -- sparked on the EU side by Council DG Robert Cooper, and on the NATO side by former SYG Robertson -- reflect the growing European desire to better coordinate continental and allied approaches to dealing with post-Cold War threats. USEU and USNATO view this as a positive step which, despite initial French reluctance (ref. B), promises to improve strategic cooperation between the two organizations. We will begin work soon on a joint NATO-EU security statement, hopefully for agreement at the June 2004 NATO and EU Summits.

111. (SBU) On cooperation with other, less capable partners in the fight against proliferation, the strategy says the EU should offer "a program aimed at assisting these countries in improving their procedures, including the enactment and enforcement of implementing penal legislation." It adds that such assistance should be conducted in a confidence-building, "collaborative spirit." The strategy leaves unsaid how or whether this sort of (Community-only) assistance would be related to the EU's new conditionality policy.

U.S.-EU Cooperation

112. (C) The strategy notes that EU cooperation with the U.S., above all other partnerships, is necessary for the successful outcome of the fight against proliferation. The U.S. warrants its own point among the list of actionable items in the strategy's third chapter, where, under the heading "Cooperating closely with the United States and other key partners," it says the EU will work at "Ensuring adequate follow up to the EU-US declaration on non-proliferation issued at the June 2003 summit." This is welcome text, and reflects the determination of HiRep Solana's new WMD Rep, Annalisa Giannella, to breathe renewed energy into the EU's collaboration with the U.S. on nonproliferation initiatives. We will continue to work with Giannella and others to ensure that implementation of the joint summit statement remains a matter of priority for the EU (progress will be reported septel).

Actionable Measures Include New Support for Interdiction

113. (U) The strategy's third chapter reorganizes and updates the EU's 22-point nonproliferation Action Plan, adopted along with the nonproliferation Principles at the June 2003 Thessaloniki Summit. As such, it supercedes the Action Plan and is now the document of record for the EU's actionable nonproliferation objectives.

114. (U) Billed as a "living action plan," the third chapter will be updated every six months, and implementation will be monitored by a proliferation monitoring center, to be housed in the Council Secretariat. Once operational, the monitoring center will also be responsible for collecting information and intelligence, in collaboration with the EU Situation Center.

115. (U) The third chapter is divided into four priority areas, linked to the EU's strategic objectives: Rendering multilateralism more effective by acting resolutely against proliferators; Promoting a stable international and regional environment; Cooperating closely with the United States and other key partners; and Developing the necessary structures within the Union. It contains several items not previously included in the Action Plan, such as the point on U.S.-EU collaboration mentioned in para 12 above.

116. (C) The other notable new entries fall under a sub-category titled, "Strengthening identification, control and interception of illegal trafficking." New language says the EU will consider "measures aimed at the identification, control and interception of illegal shipments," and will "support international initiatives" aimed at the same. These new points seem aimed mostly at the Proliferation Security Initiative (PSI), to which eight EU member and acceding states belong as founding partners. The EU supports the PSI, has sought an institutional role for itself in the

initiative, and sent Council and Commission staffers to PSI meetings in Paris and London as members of the Italian (then-EU Presidency) delegation (ref E). While the EU bid for some form of PSI inclusion appears to have abated for the time being, the EU's new nonproliferation strategy makes clear that overall EU support for interdiction of illegal shipments is growing. We expect the Council Secretariat and Commission to spend considerable energy in 2004 examining ways the EU can contribute to this expanding area of international counter-proliferation activity.

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